

Use of data from social media for research purposes:

Legal issues

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www.law.kuleuven.be/citip

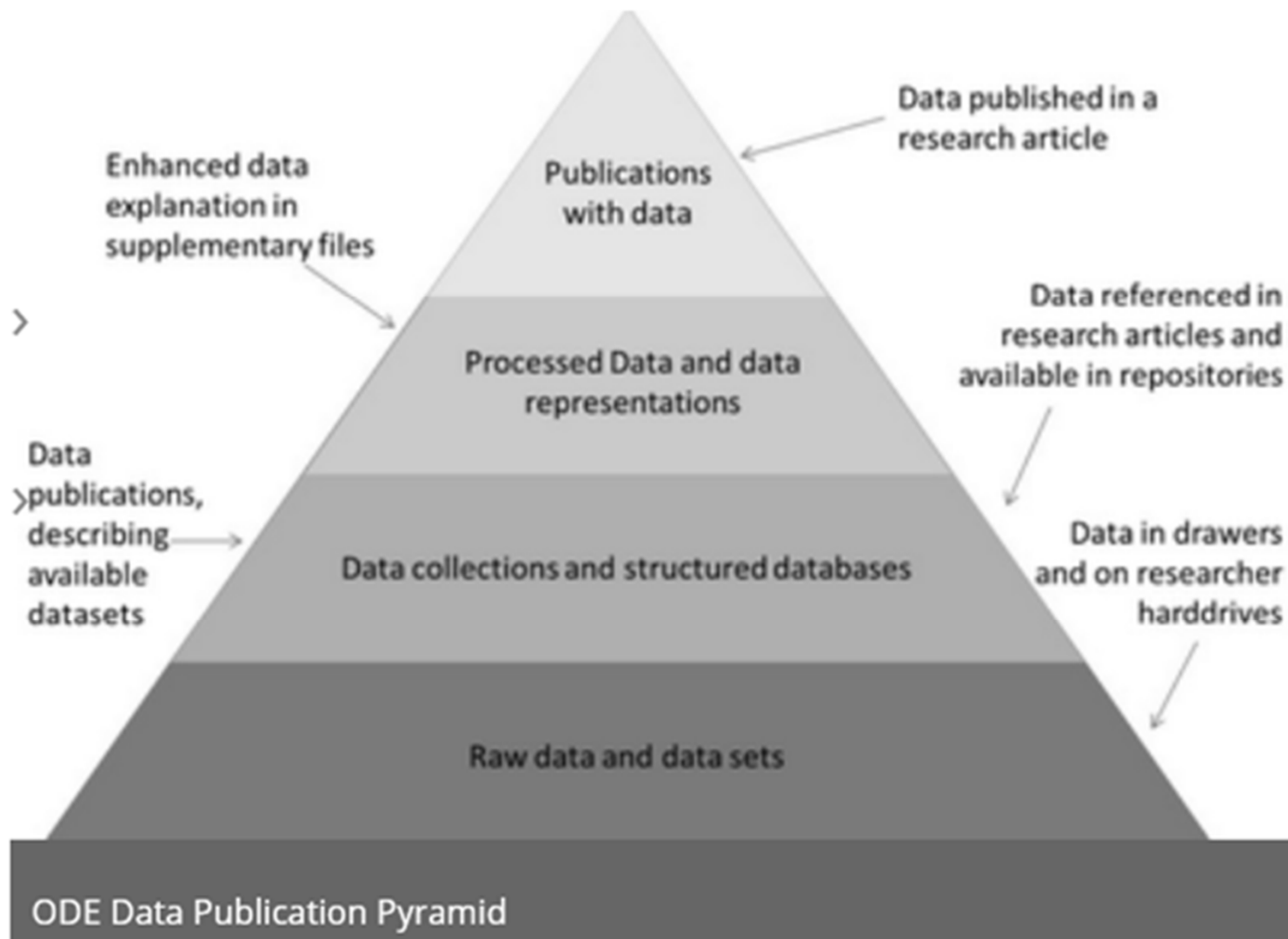
‘Research Data’ (what’s in a name ?)

❑ RESEARCH DATA POLICY AT KU LEUVEN (See website)

- All data used to support or corroborate research results
- The whole spectrum from raw data to specific datasets linked to a publication - as defined in the OECD data-pyramid
- Data generated by you or used by you

❑ EXAMPLES:

- Notebooks, images, computer generated data, simulations, software developed for research purposes, computational metadata, prints, video- and audiotapes, organisms, gen sequences, synthetic compounds, samples, patient data a.o



See: <https://www.kuleuven.be/english/research/scholcomm/rdm/policies-ku-leuven-funders>

What does KU Leuven expect?

DURING THE COURSE OF RESEARCH, RESEARCH DATA SHOULD BE AVAILABLE UPON REQUEST BY KU LEUVEN AT ALL TIMES

RESEARCH DATA SHOULD BE PRESERVED FOR A PERIOD OF MINIMUM 5 YEARS AFTER PUBLICATION OR AFTER THE RESEARCH PROJECT CONTRACT HAS EXPIRED

DOWNLOAD THE FULL POLICY AS PDF (IN DUTCH)

Responsibilities of KU Leuven:

- › The provision of a policy on the storage, preservation and sharing of research data.
- › The stimulation of researchers to implement this policy by advocacy and promoting best practices.
- › The provision of training, support, advice, guidelines and templates for good research data management and data management plans.
- › The provision of applications and infrastructure at a preferably minimal cost for storage, backup and curation of (digital) research data.

Responsibilities of individual researchers

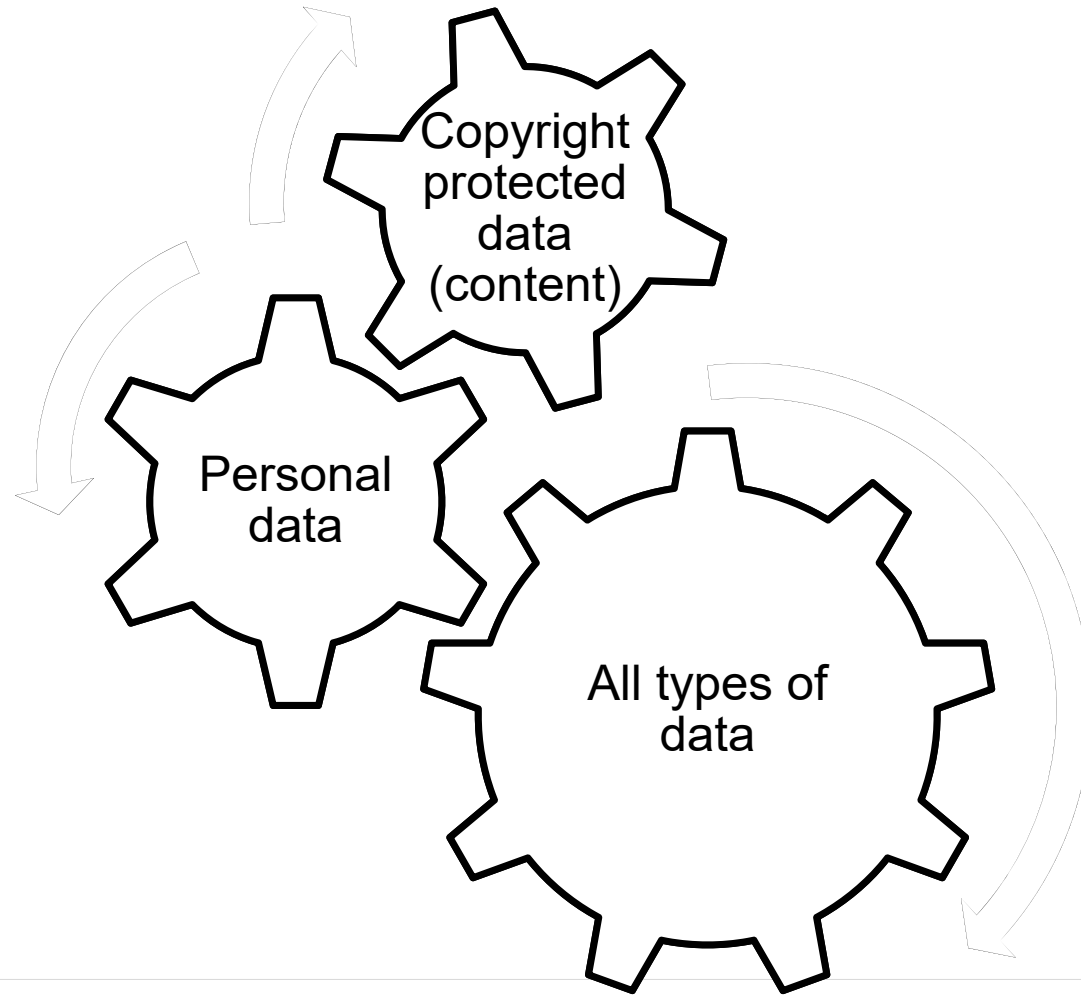
- › The correct management of research data.
- › The writing of a research data management plan (DMP) documenting procedures for the collection, storage, use, reuse and preservation of research data pertaining to the lifetime of a research project as well as to its aftermath, including transfer procedures when members of the research group leave KU Leuven.
- › The awareness of and compliance with regulations regarding ownership, research ethics, privacy and the ICT-code of conduct on secure storage, as defined by KU Leuven or in agreements with third parties.
- › The compliance with obligations regarding data management and data management plans by third parties.

Useful links

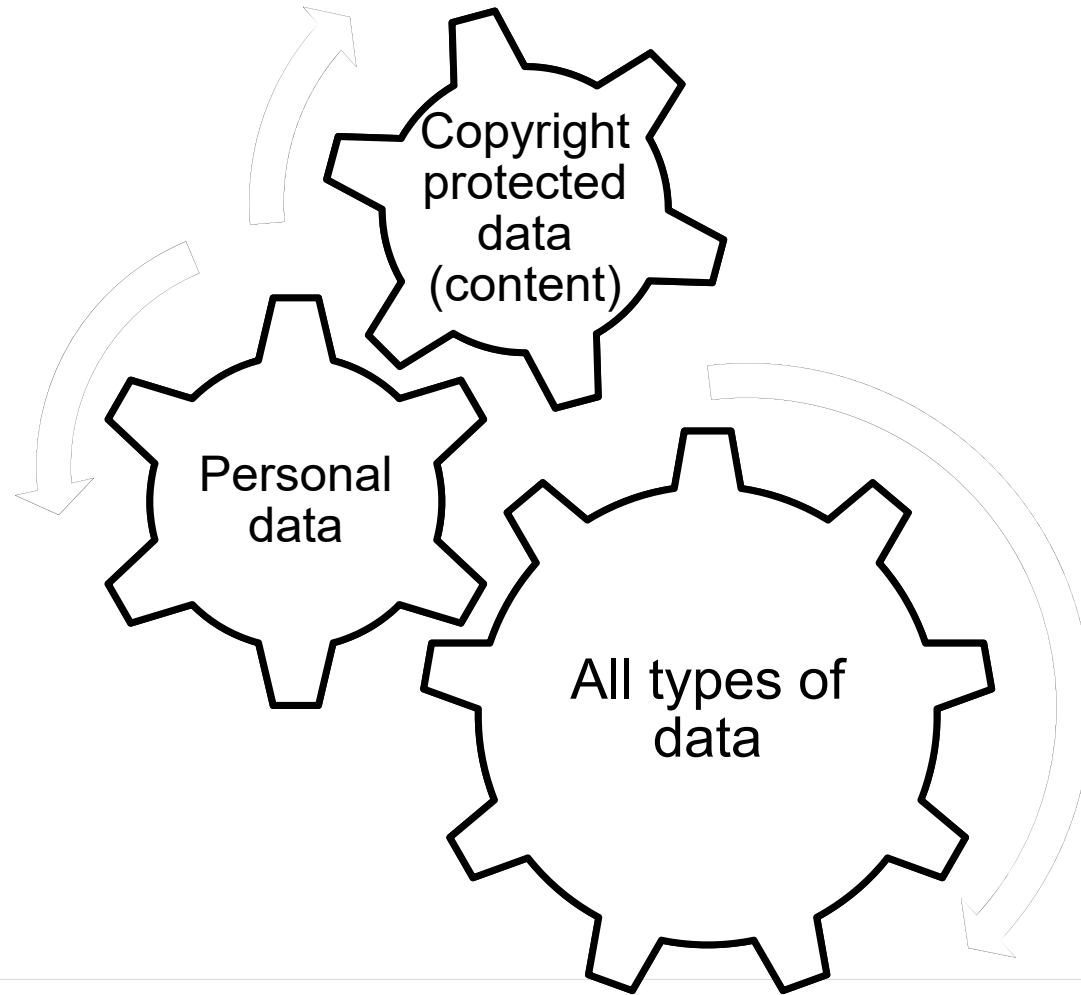
- › [RDM Support Desk](#)
- › [Overview of ethical and privacy committees at KU Leuven](#)
- › Scientific Integrity portal of KU Leuven: <http://www.kuleuven.be/english/research/integrity/>



Types of data – legal perspective



Types of data – legal perspective



Personal data

any information relating to an identified or identifiable natural person ('data subject')

Direct or indirect identification

One or more specific factors

No exhaustive list

Sensitive data

Racial or ethnic origin

Religious or philosophical beliefs

Data concerning health or sex life

Genetic data and biometric data*

Trade-union membership

Political opinions

GENERAL RULE – NO PROCESSING

Processing of personal data

any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as:

collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction

Legal grounds for processing

Consent

Performance of a contract to which the data subject is party

Compliance with a legal obligation of the controller

Protection of the vital interests

Performance of tasks in the public interests

Legitimate interests

Consent

any freely given specific and informed and unambiguous indication of his wishes by which the data subject, by a statement or by a clear affirmative action, signifies his agreement to personal data relating to him being processed

Historical, statistical or scientific purposes

Not a primary legal ground

Expands on finality principle

Refers only to further processing of data

For processing of which there is a separate legal ground

Cannot constitute a primary basis for processing

Data subject rights

Right to information

Right of access

Right to rectification, erasure, restriction

Right to data portability

Right to object

Right not to be a subject to an automated decision

Right to lodge a complaint & judicial remedy

Art. 89 GDPR

Safeguards when processing personal data for scientific or historical purposes:

Anonymized data

Pseudonymized data

Art. 4(5)

Personal data

Personal data online

Made public on the Internet

Does NOT mean they can be processed freely

Technically available

But legally there are constraints

All rules apply for content already published online

What to do?

Think about it before you start

Check the rules:

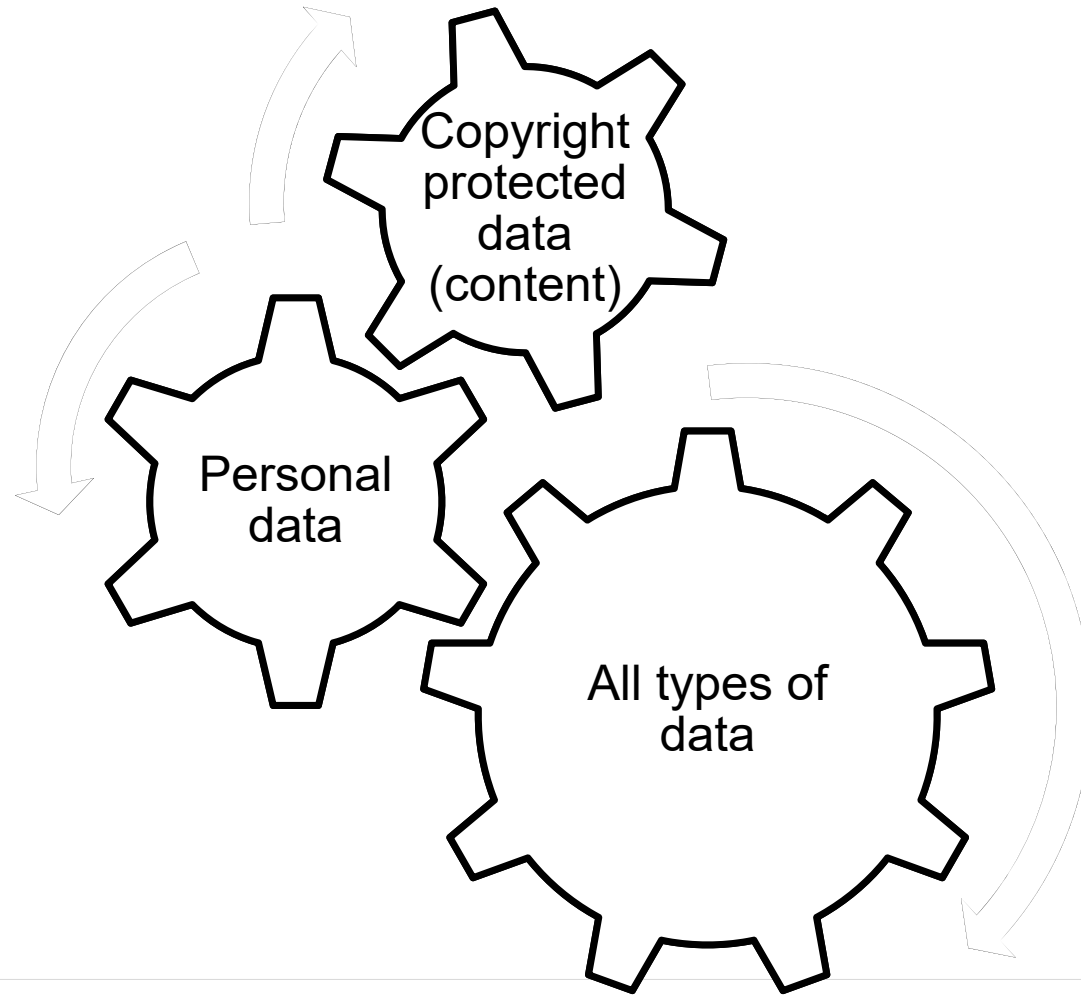
- ☐ Belgian Data Protection Act (soon GDPR)
- ☐ API Terms & Conditions

Talk with your supervisor

Check KU Leuven ethical regulations

Check any other ethical regulations specific for your area
(see more in KU Leuven training on research integrity)

Types of data – legal perspective



Comply with rules of copyright law

Starting principle

- Permission must be requested from the 'rightholder' (e.g. publisher) to use an original work or part thereof whenever copyright has not expired (i.e. 70 years after date of death of the (last surviving) author)

Exceptions

- Citations
- Personal private use
- Use for illustration of teaching
- Use for research purposes
- The material is made available under an 'open license' (e.g. creative commons, open source, ...)

Indicate source !

[Home](#)

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(klik op de afbeelding om het filmpje te starten)

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DERDEN**

**BESCHERMING VAN EIGEN
WERK**

**GEbruik IN EN DOOR
BIBLIOTHEKEN**

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Zoeken in auteursrecht

ZOEKEN

Contact

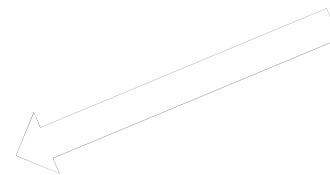
Heb je vragen over auteursrecht?

CONTACTEER ONS

[Veel gestelde vragen](#)

English version
coming soon

**More
questions**



<https://www.kuleuven.be/onderwijs/associatienet/auteursrecht/>

KU LEUVEN

CENTRE FOR IT & IP LAW

Copyright policies of social media platforms

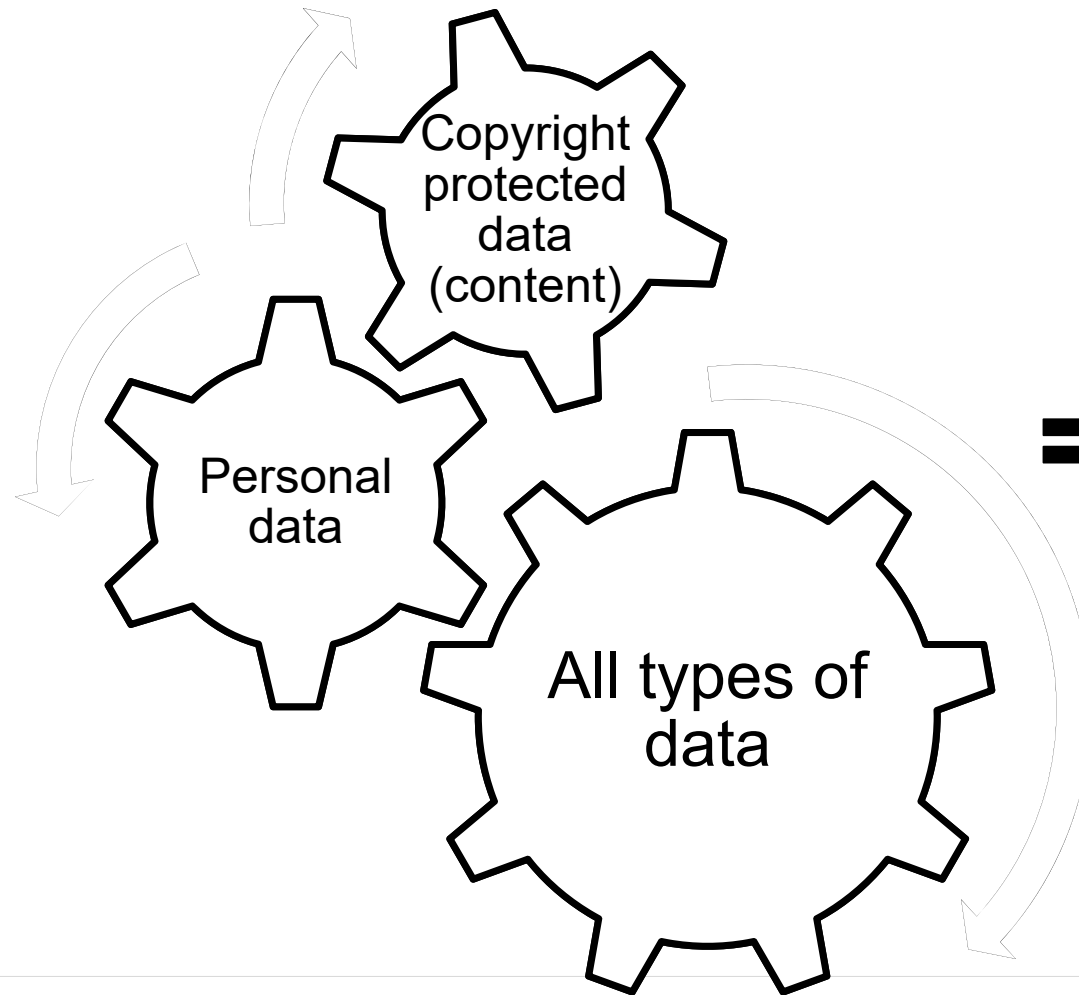


Copyright Policy

Facebook, YouTube, Twitter, Instagram ...

- Have own policies that allow them to remove user content that infringes someone else's copyright
- Will become legal obligation in near future (new EU legislation)
 - Enhanced responsibility of online platforms to proactively prevent, to detect and to remove illegal content (of all types)

Types of data – legal perspective



**= free to use,
but ...**

(Non)personal data

API Terms & Conditions

Using data (for FREE) from the platform

Rules of the game to access and exploit content
conditions, limitations, restrictions, etc.

Combination of technical & legal requirements

Close monitoring of the application ecosystems

(Non)personal data

API Terms & Conditions

Legal agreement by adhesion

no preliminary negotiation process, no explicit consent

No exceptions for research

‘take-it-or-leave-it’

continuous use = consent

Phrased vaguely, not explained sufficiently

Constant updates and substantial changes

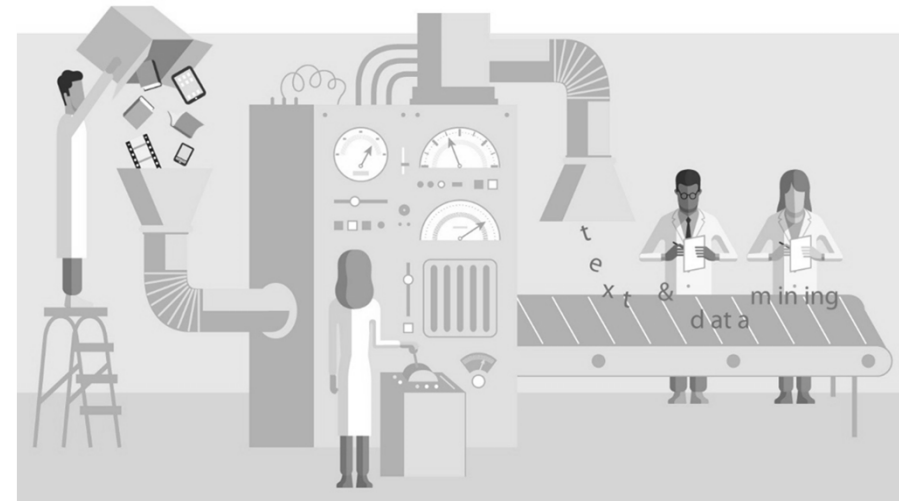
Require cooperation (e.g. large # of API calls)



Use of data
as data



Use of data
as tool
= TDM



Text & datamining

What ?

- use of technologies that allow enormous quantities of digital content to be read and analysed by machine software with the aim of discovering correlations between data and generating new patterns, trends and relations
 - e.g. discover disease patterns by analysing medical publications, or trends by analysing social media

Legal framework?

- imply making copies of protected data and retrieving from protected databases → theoretically permission by the copyright holders is required
- EU will put in place new exception for non-commercial research (2018 ?)

Note

- Access to the data you wish to mine has to be obtained legally
 - E.g. subscription-based databases



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